

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

THOMAS A. BOGGS,

Plaintiff,

Civil No. 06-493-CO

v.

FINDINGS AND  
RECOMMENDATION

MATT KEMMY, et al.,

Defendants.

COONEY, Magistrate Judge.

By Order (#4) entered April 25, 2006, plaintiff was allowed 30 days to file an amended complaint and advised that failure to do so would result in the dismissal of this action for failure to prosecute. Plaintiff has not filed an amended complaint as ordered, requested an extension of time in which to do so, or otherwise responded. This case should be dismissed for failure to prosecute.

This recommendation is not an order that is immediately

appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment or appealable order. The parties shall have ten (10) days from the date of service of a copy of this recommendation within which to file specific written objections with the court. Thereafter, the parties have ten (10) days within which to file a response to the objections. Failure to timely file objections to any factual determinations of the Magistrate Judge will be considered a waiver of a party's right to de novo consideration of the factual issues and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the Magistrate Judge's recommendation.

DATED this \_\_5th\_\_ day of June, 2006.

\_\_\_\_\_<sup>s/</sup>\_\_\_\_\_  
John P. Cooney  
United States Magistrate Judge